

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

MEMORANDUM OPINION

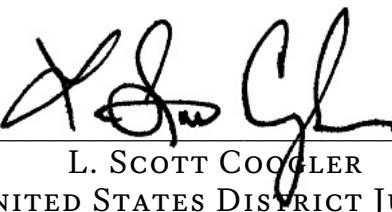
The magistrate judge filed a report on August 12, 2016, recommending this action be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 10). No objections have been filed by the plaintiff.¹

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is **ADOPTED** and the recommendation is **ACCEPTED**. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted.

A separate order of final judgment will be entered.

¹ A copy of the magistrate judge's report and recommendation was mailed to the plaintiff at his last known address, the Kilby Correctional Facility. That copy was returned by the Postal Service as undeliverable. (Doc. 11). On the complaint form filed by the plaintiff, he was advised of his obligation to notify the Clerk in writing of any address change. (Doc. 1 at 1). A search of the Alabama Department of Corrections website reveals the plaintiff is no longer housed in any Department of Corrections facility, nor does he appear on the inmate roster of the Talladega County Jail, where he was housed when he filed this suit.

DONE AND ORDERED ON SEPTEMBER 26, 2016.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
160704